

No. 2352-3-Lab-68/7050.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the President of India is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/s Bhiwani Textile Mills, Bhiwani :—

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, CHANDIGARH

Reference No. 99 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S BHIWANI TEXTILE MILLS, BHIWANI

Present.—

Shri B. R. Ghaiye, for the management.

Shri Makhan Singh, for the workmen.

#### AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Bhiwani Textile Mills, Bhiwani over the following matter, the same was referred for adjudication to this tribunal under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947,—*vide* Haryana Government Notification No. 510-SF-III-Lab-67/33055, dated 10th November, 1967 :—

“Whether Sarvshri Chitru, son of Manbhar, Nand Kishore, son of Hira Lal and Hira Lal, son of Dula Ram, pressmen should be paid dearness allowance according to cost of index number ? If so, with what details and from which date ?”

After registration of the reference in this tribunal usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. The management took certain preliminary objections which necessitated the framing of issue 1, 2, and 3. One issue was framed on merits which is issue No. 4. The various issues are as follows :—

- (1) Is not Shri Makhan Singh competent to represent the three workmen named in the reference ?
- (2) Was the demand now raised rejected by the Government at any stage, if so, what is its effect on the present reference ?
- (3) Could not the dispute in question be raised and why not ?
- (4) Whether Sarvshri Chitru, son of Manbhar, Nand Kishore, son of Hira Lal and Hira Lal, son of Dula Ram, Pressmen should be paid dearness allowance according to cost of index number ? If so, with what details and from which date ?

Parties were directed to lead their evidence on the aforesaid issues and after the conclusion of the same. I heard arguments of the representatives of both the parties. It appears that the concern in question is employing a large number of workmen who are being paid their basic wages and also the dearness allowance which is linked with the cost of living index. The three workmen to whom the present reference relates were, however, employed on the basis of consolidated wages which included the dearness allowance. A demand was raised on their behalf that they should also be paid dearness allowance. The management resisted the said demand on the short ground that the terms of their employment being that they had to get consolidated wages they were not entitled to separate dearness allowance. The Government at one stage refused reference of the dispute but on a representation of the employees sometimes thereafter the Government decided to make the present reference. It appears that in the meantime the management shifted these workmen to other departments where they are now getting basic wages and separate dearness allowance in the same manner in which other workmen of the concern are getting the same. They seem to be dissatisfied with this change because according to them the wages that they are now getting along with the dearness allowance fall short of the consolidated wages which they were getting on their previous jobs. They have not so far raised any industrial dispute against their transfers from their previous jobs to the new jobs and in the present reference I cannot take any notice of the said dispute. So far as the present reference goes the workmen have obviously no case on merits. It is not denied by them that they are being paid consolidated wages and, if that be so, the question of payment to them of any dearness allowance or linking of the said dearness allowance with the cost of living index cannot possibly arise. Out of the three workmen Nand Kishore has made a statement that he is not interested in the dispute and that Shri Makhan Singh has no right to represent him any more. There is no substance in the demand of the other workmen. In the result the demand of the workmen is dismissed on merits, and in view of this I feel it unnecessary to record any findings on issues No. 1, 2 and 3.

No order as to costs.

Dated the 8th March, 1968.

K. L. GOSAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana, Chandigarh.

No. 385, dated, Chandigarh, the 8th March, 1968

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana, Chandigarh.